

# House Watch

A summary of today's House actions;  
published daily when the House is in session.



6/24/08

## FINAL PASSAGE

### [HB 6133](#)

(Lahti)

House Bill 6133 would revise the penalty that a landowner must pay when withdrawing commercial forestland on or after September 27, 2007, from the Commercial Forest program contained in Part 511 of the Natural Resources and Environmental Protection Act. The withdrawal penalty is paid to the township in which the land is located and distributed to local units of governments according to the statute. The only amendment made to the bill in committee was a minor correction to a statutory reference.

- Committee substitute H-1 was not adopted
- Lahti substitute H-2 was adopted
- HB 6133 advanced to 3<sup>rd</sup> Reading
- HB 6133 was passed [RC 554: 107 yes, 0 no]
- IE was ordered

### [HB 6172](#)

(Hopgood)

The bill would create an Office of Asian Pacific American Affairs, and a state interagency Council on Asian Pacific American Affairs within that office, as well as an Asian Pacific American Affairs Commission, all located within the Michigan Department of Civil Rights.

- HB 6172 advanced to 3<sup>rd</sup> Reading
- HB 6172 was passed [RC 555: 101 yes, 6 no]
- IE was ordered

**HB 4534****(LeBlanc)**

The bill would designate the third Wednesday of each July as Ride your Motorcycle to Work Day.

- HB 4534 advanced to 3<sup>rd</sup> Reading
- HB 4534 was passed [RC 556: 87 yes, 20 no]
- IE was ordered

**HB 6097****(Shaffer)**

House Bills 6096-6098 each amends a different act to require courts to order restitution in cases where the victims are victims of identity theft. Restitution would be in an amount that compensates the victim in full for the work done by the victim or the victim's attorney, or both, to correct financial records and vital records and to ameliorate the effects of the identity theft on the victim's financial affairs, including credit history, credit rating, or credit score. House Bill 6097 would amend the William Van Regenmorter Crime Victim Rights Act (MCL 780.754a et al.).

- Committee substitute H-1 adopted
- HB 6097 advanced to 3<sup>rd</sup> Reading
- HB 6097 was passed [RC 557: 108 yes, 0 no]
- IE was ordered

**HB 6098****(Griffin)**

Identity theft restitution: House Bill 6098 would amend Chapter XIIA of the Probate Code, which deals with juvenile offenses (MCL 712A.30 et al.).

- Committee substitute H-1 adopted
- HB 6098 advanced to 3<sup>rd</sup> Reading
- HB 6098 was passed [RC 558: 108 yes, 0 no]
- IE was ordered

**HB 6100****(Brown)**

House Bill 6100 would amend the William Van Regenmorter Crime Victim Rights Act (MCL 780.754 et al.). The bill would include a reference to Sections 11 and 13 of the Identity Theft Protection Act in a provision pertaining to the right of victims of ID theft to file a police report and obtain a copy of that report.

- Committee substitute H-1 adopted
- HB 6100 advanced to 3<sup>rd</sup> Reading
- HB 6100 was passed [RC 559: 108 yes, 0 no]
- IE was ordered

## **HB 6101**

**(Corriveau)**

House Bill 6101 would amend Section 5 of the Identity Theft and Protection Act (MCL 445.65) to make it an offense to use or attempt to use the personal identifying information of another person to engage in criminal activity or other violations of law or to mislead a law enforcement agency or court concerning the identity of an individual under criminal investigation or a criminal defendant.

- Committee substitute H-1 adopted
- HB 6101 advanced to 3<sup>rd</sup> Reading
- HB 6101 was passed [RC 560: 108 yes, 0 no]
- IE was ordered

## **HB 6099**

**(Angerer)**

House Bill 6099 would add Section 11a to the Identity Theft Protection Act to allow a victim of identity theft to file a civil action for damages and recover all of the following: actual damages, reasonable attorney fees, and court costs; reimbursement for notifying third parties of the identity theft, reporting identity theft to law enforcement, and correcting personal identifying information or providing other information to third parties required because of the identity theft; and restitution, in an amount that compensates the victim in full for the work done by the victim or the victim's attorney, or both, to correct financial records and vital records and to ameliorate the effects of the identity theft on the victim's financial affairs, including credit history, credit rating, or credit score. For purposes of the above provision, a person who failed to comply with the prohibitions listed in Sections 5 or 7 of the act while acting in good faith would not be in violation of that section if the compliance failure had not been intentional and resulted from a bona fide error despite the maintenance of procedures reasonably adapted to avoid those errors, and appropriate restitution was made to the victim. A "bona fide error" would include, but not be limited to, a computer malfunction or a clerical, calculation, computer programming, or printing error. An error of legal judgment with respect to a person's obligations under this section would not be a bona fide error.

- Committee substitute H-2 adopted
- HB 6099 advanced to 3<sup>rd</sup> Reading
- HB 6099 was passed [RC 561: 108 yes, 0 no]
- IE was ordered

## **HB 6102**

**(Valentine)**

House Bill 6102 would add Section 12c to the Identity Theft and Protection Act to require, within 30 days after the bill's effective date, each "qualified person" (certain financial institutions, as described later) to establish a written identity theft prevention program that met all of the following:

- Included reasonable policies and procedures for detecting, preventing, and mitigating identity theft.

- Identified, and detected, specific activities that indicated the possible existence of identity theft and addressed those activities in the program.
- Responded to the activities described above in order to mitigate the adverse effects of identity theft.
- Trained staff to effectively implement the program.
- Ensured that the program was periodically reviewed to identify, detect, and respond to new and emerging practices that increased the risk of identity theft.

A "qualified person" would mean a person that has more than 50 employees and who was engaged in extending credit in the form of covered accounts to state residents. A "covered account" would mean that term as defined in federal rules for financial institutions and creditors found at 16 CFR 681.2. Generally speaking, these are consumer accounts at financial institutions for personal, family, or household purposes. Further, a qualified person that is subject to and complies with the joint final rules and guidelines concerning identity theft red flags and address discrepancies under the federal Fair and Accurate Credit Transactions Act would not be required to establish a written identity theft prevention program as described above.

- Committee substitute H-1 adopted
- Condino-2 adopted
- HB 6102 advanced to 3<sup>rd</sup> Reading
- HB 6102 was passed [RC 562: 62 yes, 46 no]
- IE was ordered

### **HB 6103**

**(Johnson)**

House Bill 6103 would add Section 12d to the Identity Theft and Protection Act to specify that a person who knowingly violated Section 12c regarding the written identity theft prevention program could be ordered to pay a civil fine of not more than \$250 for each violation. The attorney general or a prosecuting attorney could bring an action to recover a civil fine under this provision. The provision would not affect the availability of any civil remedy for a violation of state or federal law.

- Condino substitute H-1 adopted
- Condino-2 adopted
- HB 6103 advanced to 3<sup>rd</sup> Reading
- HB 6103 was passed [RC 563: 66 yes, 41 no]
- IE was ordered

### **HB 6105**

**(Dean)**

House Bill 6105 would amend provisions of the Identity Theft Protection Act (MCL 445.72a) regarding the destruction of data in a database that includes personal information on multiple individuals. Currently, data containing personal identifying information on an individual is to be destroyed when that data is removed from the database and the person or agency is not retaining the data elsewhere for another purpose. The bill would revise the provision to instead specify that a person or agency that disposed of any data from a database that included any unencrypted,

unredacted personal information concerning an individual who was a resident of the state would have to destroy that data when it was removed from the database, unless the person or agency was retaining the data elsewhere for another lawful purpose. Further, the definition of "destroy" would be revised to mean to destroy or arrange for the destruction of data by shredding, erasing, incinerating, mutilating, or otherwise changing the data so that they cannot be read, deciphered, or reconstructed through generally available means. (Underlining denotes new language.)

- Committee substitute H-1 adopted
- HB 6105 advanced to 3<sup>rd</sup> Reading
- HB 6105 was passed [RC 564: 107 yes, 1 no]
- IE was ordered

### **SB 212** (Birkholz)

The bill would add a new Part 342 to the Natural Resources and Environmental Protection Act to ratify the Great Lakes-St. Lawrence River Basin Water Resources Compact (Compact) and a new Section 32730 dealing with the relationship between the Compact and Michigan law.

- Committee substitute H-1 adopted
- SB 212 advanced to 3<sup>rd</sup> Reading
- SB 212 was passed [RC 565: 108 yes, 0 no]
- IE was ordered

### **SB 723** (Brater)

As passed by the Senate (S-2), the bill would reestablish the Groundwater Conservation Advisory Council within the Department of Natural Resources (DNR), rename it the "Water Resources Conservation Advisory Council," expand its membership, and specify its duties.

- Committee substitute H-1 adopted
- SB 723 advanced to 3<sup>rd</sup> Reading
- SB 723 was passed [RC 566: 102 yes, 6 no]
- IE was ordered

### **SB 727** (Basham)

Senate Bill 727 would amend provisions of the Safe Water Drinking Act applicable to bottled drinking water producers.

- Committee substitute H-1 adopted
- SB 727 advanced to 3<sup>rd</sup> Reading
- SB 727 was passed [RC 567: 104 yes, 4 no]
- IE was ordered

**SB 858****(Van Woerkom)**

The bill would amend Section 4 of the Safe Water Drinking Act (MCL 325.1004) relating to water withdrawals by waterworks systems for community supplies.

- Committee substitute H-1 adopted
- SB 858 advanced to 3<sup>rd</sup> Reading
- SB 858 was passed [RC 568: 89 yes, 19 no]
- IE was ordered

**SB 859****(Patterson)**

The bill would amend the section of the Natural Resources and Environmental Protection Act dealing with enforcement of Part 327.

- Committee substitute H-1 adopted
- SB 859 advanced to 3<sup>rd</sup> Reading
- SB 859 was passed [RC 569: 99 yes, 9 no]
- IE was ordered

**SB 860****(Birkholz)**

The bill would amend Part 327 of the Natural Resources and Environmental Protection Act.

- Committee substitute H-2 adopted
- SB 860 advanced to 3<sup>rd</sup> Reading
- SB 860 was passed [RC 570: 108 yes, 0 no]
- IE was ordered